IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 15555 of 2004

Between:

S. Sattaiah, S/o Shankaraiah,
R/o H.No. 6-7, Bandlaguda (V) & (G.P), Keesara (M), Ranga Reddy District.

... PETITIONER

AND

1 The District Panchayat Officer, Office at Collectorate, Lakdikapool,

Hyderabad.
2 The Revenue Divisional Officer, Ranga Reddy East Division,
Office at Goshamahal Stadium, Hyderabad.
3 The Mandal Revenue Officer-Keesara , Office at Keesara Mandal, R.R. District.
4 G. Srinivas Goud, S/o G. Anjaiah Goud,
Bandalaguda Gram Panchayat, Keesara Mandal, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an Writ, Order or Direction, a) To grant a Writ of Certiorari quashing the proceedings No. G/642/2004 DT. 22-3-2004, issued by the 2nd respondent as illegal arbitrary and contrary to the A.P. Births & Deaths Rules 1999, and also violative of the Principles of Natural Justice b) to declare that the 4th respondent is disqualified under Sec. 19(3) of the A.P. Panchayat Raj Act, 1994.

Counsel for the Petitioner: MR.UNNAM.MURALIDHAR RAO

Counsel for the Respondents 1 to 3: GP FOR PANCHAYAT RAJ & RURAL

DEV.

The Court at the admission stage made the following Order:

ORDER:

Petitioner who contested along with the fourth respondent for the 5th ward of Grampanchayat, Bandlaguda Village, Keesara Mandal, Ranga Reddy District filed a complaint with the first respondent on 12-01-2004 complaining that the fourth respondent is disqualified to hold the office since a third child was born in June 1995. The said complaint was referred to the Extension Officer (P.R. & R.D.) Keesara for enquiry into the matter and for submitting a detailed report. The Enquiry Officer conducted enquiry and sent the report to the first respondent on 17-02-2004. In pursuance to the said report, show cause notice was issued to the fourth respondent why action should not be taken against him for disqualifying under Section 19 (3) of the A.P. Panchayat Raj Act, 1994 (for short 'the Act').

2. It is the case of the petitioner that the fourth respondent made an application on 04-03-2004 to the second respondent who ordered an enquiry, wherein a false report was submitted by the third respondent M.R.O. Keesara on 19-03-2004. Basing on the false report, the second respondent through Proceedings No.G/642/2004, accepted the declaration filed by the fourth respondent by condoning the delay and ordered for registration of birth. Questioning the same, the present Writ Petition has been filed that non-disposing of the representation pursuant to the show cause notice issued by the first respondent in the light of the report dated 04-03-2004 as arbitrary and illegal.

3. Since the certified copy of the proceedings dated 22-03-2004 issued by the Special Deputy Collector Sub Divisional Magistrate and R.D.O, Ranga Reddy District condoning the delay and accepting the declaration for ordering the registration do not disclose the particulars, at the submission of Documents 1 to 3, which were kept in bank, it is for the first respondent to take note

of the same and pass appropriate orders in pursuance of the show cause notice issued on 04-03-2004 to the fourth respondent, within a period of six weeks from the date of receipt of a copy of this order, after following due procedure.

The Writ Petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

August 31, 2004

MRR/MURTHY

To:

1 The District Panchayat Officer, Office at Collectorate, Lakdikapool,

Hyderabad.
2 The Revenue Divisional Officer, Ranga Reddy East Division,
Office at Goshamahal Stadium, Hyderabad.
3 The Mandal Revenue Officer-Keesara , Office at Keesara Mandal, R.R. District.
4 Two C.C.s to the G.P for Panchayat Raj and Rural Development, High Court

Buildings, Hyderabad (OUT).

5 Two C.D. Copies.